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10 River Vista Farms LLC, Rominger Brothers,
Sierra Orchards, Strain Farming, Zane
11 Amaro

12 UNITED STATES DISTRICT COURT
13 EASTERN DISTRICT OF CALIFORNIA
14

15 BANK OF AMERICA, N.A., a national
banking association,

16 Plaintiff,

17 v.
18

19 CAPITAL MED FARMS, LLC, a California
limited liability company, GOLDEN STATE
20 FARM CREDIT, FLCA, a federal Farm
Credit System institution; GOOD EARTH
21 PARTNERS LP, a California limited
partnership; JIM TRAYNHAM, an
individual; JAMIE TRAYNHAM, an
22 individual; MF FARMS, INC., a California
agricultural collective; NAVA FARMS,
23 INC., a California corporation; PACIFIC
REALTY ASSOCIATES, L.P. dba M&T
24 CHICO RANCH, a Delaware limited
partnership; RANDOLPH SALVESON, an
25 individual; SIERRA ORCHARDS, L.P., a
California limited partnership; and TSB AG
26 INC., a California Corporation;
AFFENTRANGER FARMS, LLC, a
27 California limited liability company; ALLEN
JASCHKE, an individual; BARRIOS
28 BROS., INC., a California corporation;

Case No. 2:24-cv-02309-DJC-CKD

**JOINT STIPULATION RE: HEARING
AND BRIEFING SCHEDULE FOR
DEFENDANTS' MOTION TO DISMISS**

Judge: Hon. Daniel J. Calabretta

DOWNEY BRAND LLP

CHARLES HERMLE FARMS, INC., a California corporation; DANNA FARMS INC., a California corporation; DARREL PARSLEY, an individual; FEDORA FARMS, INC., a California corporation; GRACIE BELLE FARMS, LLC, a California limited liability company; JERRY M. SEIBERT FARMS, INC, a California corporation; JOE YEUNG FARMS, INC., a California corporation; JUST FARMS LP, a California limited partnership; LINDAUER FARM MANAGEMENT, INC., a California corporation; LLANO SECO MEATS, LLC, a California limited liability company; M & C MYERS, INC., a California corporation; MARY TRAYNHAM, an individual; MUMMA BROTHERS, a general partnership; NOR CAL NUT CO, a California corporation; PB ORCHARDS, LLC, a California limited liability company; PEARSON FARMS, a general partnership; PUTAH CREEK FARMING CO., a California corporation; RIVER VISTA FARMS LLC, a California limited liability company; ROMINGER BROTHERS FARMS, INC., a California corporation; STRAIN FARMING JOINT VENTURE, L.P., a California limited partnership; and ZANE AMARO d/b/a ZANE AMARO FARMS, an individual,

Defendants.

STIPULATION

Defendants Capital Med Farms, LLC; Charles Hermle Farms, Inc.; Darrel Parsley; Fedora Farms, Inc.; Jamie Traynham; Jim Traynham; Joe Yeung Farms, Inc.; M & C Myers, Inc.; Pacific Realty Associates, L.P. dba M&T Chico Ranch; Mary Traynham; MF Farms, Inc.; Mumma Brothers; Nor Cal Nut Co.; River Vista Farms LLC; Rominger Brothers Farms, Inc.; Sierra Orchards, L.P.; Strain Farming Joint Venture, L.P.; and Zane Amaro dba Zane Amaro Farms (collectively “Defendants”) and Plaintiff Bank of America, N.A. (“BOA”) by and through their undersigned attorneys, hereby stipulate as set forth below:

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RECITALS

WHEREAS, on or about August 23, 2024, BOA filed the Complaint in this action seeking a declaration that the subordination clauses in contracts between growers like Defendants and Anderson & Sons Shelling, Inc. ("ASSI") are enforceable and subordinate Defendants' alleged California Food & Agricultural Code § 55631 *et seq.* Producer's Liens to BOA's secured interest (the "Litigation");

WHEREAS, on September 27, 2024, BOA filed the operative First Amended Complaint ("FAC") (Dkt. 10);

WHEREAS, on October 31, 2024, Defendant TSB AG, Inc. ("TSB") filed a motion to dismiss the FAC ("TSB's Motion");

WHEREAS, BOA and TSB have stipulated to a hearing and briefing schedule for TSB's Motion;

WHEREAS, Defendants also intend to file a motion to dismiss the FAC;

WHEREAS, Defendants and BOA agree that Defendants' motion to dismiss, which will address similar issues to TSB's Motion, should be heard at the same time and set on the same briefing schedule as TSB's Motion;

WHEREAS, the Parties believe there is good cause to set a hearing date and briefing schedule for Defendants' motion to dismiss.

NOW, THEREFORE, for and in consideration of the recitals set forth above and incorporated herein, the Parties hereby request the Court set a briefing schedule as follows:

1. Defendants shall file their consolidated motion to dismiss by no later than December 6, 2024.

2. Defendants' motion to dismiss will be heard at the same time as TSB's Motion, at 1:30 p.m. on March 20, 2025.

3. BOA shall file an opposition to Defendants' motion to dismiss no later than January 17, 2025.

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4. Defendants shall file a reply brief in support of their motion to dismiss no later than February 20, 2025.

DATED: November 26, 2024

DOWNEY BRAND LLP

By: /s/ Bradley C. Carroll

DALE A. STERN
JAMIE P. DREHER
BRADLEY C. CARROLL
Attorneys for Defendants

DATED: November 26, 2024

HOLLAND & KNIGHT LLP

By: /s/ Kristina S. Azlin
(As authorized on 11/26/24)

KRISTINA S. AZLIN
DANIEL P. KAPPES
ANDREW M. CUMMINGS

Attorneys for Plaintiff BANK OF AMERICA,
N.A.

ORDER

IT IS SO ORDERED.

DATED: November 26, 2024

/s/ Daniel J. Calabretta

THE HONORABLE DANIEL J. CALABRETTA
UNITED STATES DISTRICT JUDGE